



Montgomery County Council

For Immediate Release

July 24, 2012

Contact: Neil H. Greenberger 240-777-7939 / Delphine Harriston 240-777-7931

Montgomery Council Approves Amended ZTA on Locations of Large Filling Stations

ROCKVILLE, Md., July 24, 2012—The Montgomery County Council today unanimously approved an amended zoning text amendment that impacts the location of new large gas stations in the County. ZTA 12-07, as amended, will require large gas stations to be located at least 300 feet from schools, parks, playgrounds, day care centers and other outdoor facilities.

The original ZTA, which was sponsored by Councilmembers Marc Elrich, Valerie Ervin, Nancy Navarro, Craig Rice and Hans Riemer, would have added standards for County Board of Appeals approval of a new gas station designed to disperse more than 3.6 million gallons of fuel per year by requiring those stations to be located at least 1,000 feet from any public or private school or any park, playground or hospital or other public use. It also would have established that distance as related to any property used for cultural, entertainment or recreational use.

A gas station designed to dispense less than 3.6 million gallons a year will not have a minimum distance requirement from other land uses.

Councilmember Elrich today offered the amendment to set the distance at 300 feet.

The ZTA will impact all future large filling stations that seek to locate in the County. Presently, there is one application in for such a station—a gas station that Costco sought to locate near its future new store in Wheaton. The amended ZTA approved today means that Costco cannot build its station as currently configured. However, it does not necessarily prohibit a station on a relocated portion of the property or a smaller station.

The Council has received considerable comments about the ZTA over the past few months.

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“I am pleased that the Council has taken an important step in recognizing that mega gas stations present a risk to the public health and general welfare of individuals nearby,” said Councilmember Elrich. “The Council also recognized that we must take a leadership role on this issue. Our existing law does not reflect the current scientific understanding of the risks associated benzene pollutants and other pollutants in automobile exhaust. As this understanding has evolved we, as public officials have an obligation to ensure that our laws reflect the current knowledge base. In other words, once we know something, we can’t not know it. We must act.

“I based the original distance on a variety of scientific evidence that looks at cancer risk from gasoline stations dispensing more than 3.6 million gallons/year as well as numerous, peer-reviewed scientific studies documenting links between vehicle emissions and asthma, impaired lung function, and heart disease. The scientific evidence clearly highlights a public health concern.

“While I would have preferred that the distance buffer of 1,000 feet that was in my original proposal passed, I believe that with the unanimous vote, the Council made a clear statement that these mega-gas stations pose a public health concern that must be addressed. As was also stated during the Council discussion, the 300-foot buffer is simply a minimum; I believe that the large gas stations need more than 300 feet.”

Councilmember Phil Andrews said the 300-foot buffer is reasonable and justified.

“A minimum buffer of 300 feet between any new large gas station in the County and sensitive outdoor land uses—like a playground—has a rational basis based on air pollution generated by large gas stations including idling cars, and its impacts on vulnerable populations, including children and people with breathing disabilities,” said Councilmember Andrews. “A 300-foot minimum buffer is recommended by the California Air Resources Board and is already in place in Prince George’s County. It is also what Planning Board staff recommended if the Council decided to adopt a minimum distance buffer. A 300-foot minimum buffer has a clear rational basis.”

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